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Chen

wherein R_1 is a methyl group, R_2 and R_3 are identical or different and represent a hydrogen atom or a C_1-C_3 alkanoyl group, R_4 is a hydrogen atom, a C_1-C_3 alkanoyl group, or together with R_5 , forms a $>C=O$ group and R_5 is hydrogen, or together with R_4 , represents a $>C=O$ group.

REMARKS

Claims 2-11 and 23 are now in the application.

The rejection of claim 1 under the first paragraph of 25 U.S.C. 112 as being based on a disclosure nonenabling with respect to the breadth of the claim, is not deemed tenable. In particular, the specification adequately teaches the preparation of compounds wherein R is a hydrogen and wherein not all of the R_3 to R_5 groups are also hydrogen. Along these lines, the Examiner's attention is kindly directed to Example 7 of the specification, which is concerned with the preparation of N-methyl-11-aza-10-dioxo-10 dihydro erythromycin A 13,14-cyclic carbonate. Moreover, it is not necessary that the application include a working example for all possible compounds within a generic claim. In fact, working examples are not even necessary. Along these lines, the Examiner's attention is kindly directed to In re Stephens, et al., 188 U.S.P.Q. 659. Furthermore, since the specification contained language which is at least as broad as the broadest language present in claim 1, the claim is adequately supported by the specification. Furthermore, the Examiner failed to present any authoritative support as to why compounds within the scope of the generic claim 1 could not be prepared by persons skilled in the art, once they were aware of the present application, without undue experimentation. Nevertheless, claim 1 has been replaced by claim 23, which now recites that R_5 is hydrogen or together with R_4 , represents a $>C=O$ group and no longer recites that R_5 can be alkanoyl group.